

REMARKS

Claims 1-29 are pending in the application. Claims 3, 5-7, 11, 13, 14, 16, 17, 20-22 and 25-29 have been withdrawn from consideration. Claims 1, 2, 4, 8, 9, 10, 12, 15, 18, 19, 23 and 24 are rejected. This reply cancels claims 2 and 8, amends claims 1, 3 and 9, and adds new claims 30-32, leaving claims 1, 4, 9, 10, 12, 15, 18, 19, 23, 24, and 30-32 as corresponding to the elected claim group and subject to continued examination. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein. Upon allowance of a generic claim, it is requested that all withdrawn claims depending from that claim be rejoined.

All of the non-withdrawn claims continue to be rejected under 35 U.S.C. §103(a) as obvious over U.S. Pat. No. 7,150,285 to Saito et al. ("Saito") in view of U.S. Pat. No. 5,189,792 to Otsuka ("Otsuka"). While Applicants have focused claim 1, such as by the addition of the features recited in rejected claims 2 and 8, they continue to maintain that the claimed invention is non-obvious and that the correct approach to an evaluation of obviousness is not being applied in this case. The respectfully traverse and ask that the rejection be reconsidered and withdrawn.

Both Applicants and the Office are in agreement that the primary reference, Saito, does not disclose a charging connector remote from the contact terminals for coupling the shaver to the cleaning station. To reach the claimed configuration, the rejection apparently traces the following path, each step of which is addressed in turn:

1. It is known to charge dry shavers with a charger, through a connection at an end of the shaver (Otsuka);
2. Combining two known features (presumably, connecting a shaver to a cleaner as in Saito, and connecting a shaver to a charger as in Otsuka) would have been obvious; and
3. Lots of things have multiple electrical ports.

1. Charging dry shavers

Applicants agree that it is known to charge shavers with direct connections to chargers, and that there have been prior shavers, not designed for use with charging/cleaning stations, that had electrical charging connections. Otsuka is one such example, and to this point in the analysis, Applicants agree with the Office's assertions.

2. Combining direct charging connection (Otsuka)

It is at this second step in the analysis that Applicants maintain that the examination process has improperly made an unsupported leap, perhaps based on a negative conclusion about patentability reached before a rigorous analysis of inventiveness had been made. The "Response to Arguments" contained in the final Action includes boilerplate concerning hindsight reasoning and predictable outcomes, but does not address the particular technical points raised by Applicants specific to this issue – points that are relevant to the perspective of the person of ordinary skill in this particular art at the time of this invention.

a) The person of even ordinary skill would have seen that Saito's cleaning station is also configured to charge the shaver, using the same electrical connection as is used to power the shaving head during cleaning. See, e.g., Saito, col. 3, lines 18-27. Claim 1 has been amended to make clear that this is also a feature of that claim – that the first connector serves both to charge the shaver and for control signals. This is an admitted similarity between Saito's device and claim 1. Thus, the Saito connector serves to charge the shaver while it is placed in the cleaning station.

b) Looking for possible ways to improve the Saito system, the person of mere ordinary skill would have had no reason to add a separate charging connector. The reason cited in the rejection, "so that the shaver could be charged directly without the use of the cleaner apparatus," fails to provide any explanation of why someone would go through the expense and added complexity of a separate port, when charging was already performed through Saito's connector, nor why, if someone were to want to be able to enable the shaver to be charged separate from the cleaner, they would not simply configure the Saito connector to also connect to a charging cord. It is a fundamental principle of §103 jurisprudence that the analysis is to be done from the perspective of the person of mere ordinary skill, taking *all* factors into consideration that such a person would have faced when considering

combinations and improvements. It is improper to rely on merely one consideration to the exclusion of others.

c) The “mere duplications of essential working parts” doctrine has not been correctly understood nor applied. The Action continues to cite *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, as holding that “mere duplications of the essential working parts of a device involves only routine skill in the art.” Whatever the proper application of such a tautology may be, it does not involve the *St. Regis Paper* case, which did not address such an issue either at the District Court level, nor at the Seventh Circuit, whose decision is the one cited in the Action. The *St. Regis Paper* court did find the patents at issue invalid as obvious, but their reasoning had nothing to do with the duplication of essential working parts. Rather, they dealt with the factual determinations of whether the addition of particular gussets, multi-sheet configuration, and the use of a particular type of hot melt glue would have been obvious to one of skill in the art of bag construction. Applicants maintain that the differences between their claimed system configuration and those of either of the cited references involve more than “mere duplication of essential working parts” as such doctrine has been established by the relevant cases.

3. The use of multiple electrical ports on things, generally

The fact that various types of common household devices have multiple electrical connections is raised as general, if not specific, support of the conclusion of obviousness. In particular, it is pointed out that portable DVD players, cell phones, home phones and IPODs “all utilize a wide range of connections to be employed with a variety of locations.” Examples are given of DVD players and cell phones that use adaptors for charging in the car, but “different adaptors and ports for use in the home.”

Not that it is directly relevant to a rigorous §103 analysis of the proposed combination of Otsuka with Saito, but it is worth noting that the types of devices broadly referenced in this part of the analysis may have one adaptor for mains (120VAC) charging and another for 12VDC charging (e.g., car charging), it is more typical that both types of adaptors are connected to the same charge port of the device. The broad reference to such devices, therefore, is not exactly on point. Nor is it beyond contention that such devices all have “different ... ports.” The undersigned attorney is not aware, for example, that APPLE has

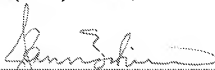
ever considered adding a second port to an IPOD as a different type of charge connection, even though such devices can be connected, *via one port*, to either a home computer or a stereo unit, as pointed out in the Action. Similarly, while portable home phones may be charged on cradles, it has not even been shown that in that art it is common to charge a phone handset both on a cradle (via one connection) and by a charge cord (via a different connection).

The above remarks are believed to have fully addressed the obviousness rejection as given in the Final Action. Applicants respectfully request that the rejection be reconsidered and withdrawn, in light of the above amendments and their remarks.

In addition, Applicants have added claims 29-31, each of which recite, in combination with claim 1, features that further distinguish the proposed combination of Saito and Otsuka, and which may require additional searching.

The fee for a 3-month extension of time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. As three dependent claims were canceled and three were added, no excess claims fees are believed due. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 02894-0728US1.

Respectfully submitted,



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